

1 AMENDMENT TO HOUSE BILL 741

2 AMENDMENT NO. _____. Amend House Bill 741, AS AMENDED,
3 with reference to the page and line numbers of Senate
4 Amendment No. 1, on page 1, in line 8, by replacing "5-2"
5 with "5-1, 5-2, 5-3,"; and

6 on page 1, below line 8, by inserting the following:

7 "(235 ILCS 5/5-1) (from Ch. 43, par. 115)

8 Sec. 5-1. Licenses issued by the Illinois Liquor Control
9 Commission shall be of the following classes:

10 (a) Manufacturer's license - Class 1. Distiller, Class
11 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine
12 Manufacturer, Class 5. Second Class Wine Manufacturer,
13 Class 6. First Class Winemaker, Class 7. Second Class
14 Winemaker, Class 8. Limited Wine Manufacturer,

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

18 (e) Special Event Retailer's license (not-for-profit),

19 (f) Railroad license,

20 (g) Boat license,

21 (h) Non-Beverage User's license,

22 (i) Wine-maker's premises license,

- 1 (j) Airplane license,
- 2 (k) Foreign importer's license,
- 3 (l) Broker's license,
- 4 (m) Non-resident dealer's license,
- 5 (n) Brew Pub license,
- 6 (o) Auction liquor license,
- 7 (p) Caterer retailer license,
- 8 (q) Special use permit license.

9 No person, firm, partnership, corporation, or other legal
10 business entity that is engaged in the manufacturing of wine
11 may concurrently obtain and hold a wine-maker's license and a
12 wine manufacturer's license.

13 (a) A manufacturer's license shall allow the
14 manufacture, importation in bulk, storage, distribution and
15 sale of alcoholic liquor to persons without the State, as may
16 be permitted by law and to licensees in this State as
17 follows:

18 Class 1. A Distiller may make sales and deliveries of
19 alcoholic liquor to distillers, rectifiers, importing
20 distributors, distributors and non-beverage users and to no
21 other licensees.

22 Class 2. A Rectifier, who is not a distiller, as defined
23 herein, may make sales and deliveries of alcoholic liquor to
24 rectifiers, importing distributors, distributors, retailers
25 and non-beverage users and to no other licensees.

26 Class 3. A Brewer may make sales and deliveries of beer
27 to importing distributors, distributors, and to
28 non-licensees, and to retailers provided the brewer obtains
29 an importing distributor's license or distributor's license
30 in accordance with the provisions of this Act.

31 Class 4. A first class wine-manufacturer may make sales
32 and deliveries of up to 50,000 gallons of wine to
33 manufacturers, importing distributors and distributors, and
34 to no other licensees.

1 Class 5. A second class Wine manufacturer may make sales
2 and deliveries of more than 50,000 gallons of wine to
3 manufacturers, importing distributors and distributors and to
4 no other licensees.

5 Class 6. A first-class wine-maker's license shall allow
6 the manufacture of up to 50,000 gallons of wine per year, and
7 the storage and sale of such wine to distributors in the
8 State and to persons without the State, as may be permitted
9 by law. A first-class wine-maker's license shall allow the
10 sale of no more than 5,000 gallons of the licensee's wine to
11 retailers. The State Commission shall issue only one
12 first-class wine-maker's license to any person, firm,
13 partnership, corporation, or other legal business entity that
14 is engaged in the making of less than 50,000 gallons of wine
15 annually that applies for a first-class wine-maker's license.
16 No subsidiary or affiliate thereof, nor any officer,
17 associate, member, partner, representative, employee, agent,
18 or shareholder may be issued an additional wine-maker's
19 license by the State Commission.

20 Class 7. A second-class wine-maker's license shall allow
21 the manufacture of between 50,000 and 100,000 gallons of wine
22 per year, and the storage and sale of such wine to
23 distributors in this State and to persons without the State,
24 as may be permitted by law. A second-class wine-maker's
25 license shall allow the sale of no more than 10,000 gallons
26 of the licensee's wine directly to retailers. The State
27 Commission shall issue only one second-class wine-maker's
28 license to any person, firm, partnership, corporation, or
29 other legal business entity that is engaged in the making of
30 less than 100,000 gallons of wine annually that applies for a
31 second-class wine-maker's license. No subsidiary or
32 affiliate thereof, or any officer, associate, member,
33 partner, representative, employee, agent, or shareholder may
34 be issued an additional wine-maker's license by the State

1 Commission.

2 Class 8. A limited wine-manufacturer may make sales and
3 deliveries not to exceed 40,000 gallons of wine per year to
4 distributors, and to non-licensees in accordance with the
5 provisions of this Act.

6 (a-1) A manufacturer which is licensed in this State to
7 make sales or deliveries of alcoholic liquor and which
8 enlists agents, representatives, or individuals acting on its
9 behalf who contact licensed retailers on a regular and
10 continual basis in this State must register those agents,
11 representatives, or persons acting on its behalf with the
12 State Commission.

13 Registration of agents, representatives, or persons
14 acting on behalf of a manufacturer is fulfilled by submitting
15 a form to the Commission. The form shall be developed by the
16 Commission and shall include the name and address of the
17 applicant, the name and address of the manufacturer he or she
18 represents, the territory or areas assigned to sell to or
19 discuss pricing terms of alcoholic liquor, and any other
20 questions deemed appropriate and necessary. All statements in
21 the forms required to be made by law or by rule shall be
22 deemed material, and any person who knowingly misstates any
23 material fact under oath in an application is guilty of a
24 Class B misdemeanor. Fraud, misrepresentation, false
25 statements, misleading statements, evasions, or suppression
26 of material facts in the securing of a registration are
27 grounds for suspension or revocation of the registration.

28 (b) A distributor's license shall allow the wholesale
29 purchase and storage of alcoholic liquors and sale of
30 alcoholic liquors to licensees in this State and to persons
31 without the State, as may be permitted by law.

32 (c) An importing distributor's license may be issued to
33 and held by those only who are duly licensed distributors,
34 upon the filing of an application by a duly licensed

1 distributor, with the Commission and the Commission shall,
2 without the payment of any fee, immediately issue such
3 importing distributor's license to the applicant, which shall
4 allow the importation of alcoholic liquor by the licensee
5 into this State from any point in the United States outside
6 this State, and the purchase of alcoholic liquor in barrels,
7 casks or other bulk containers and the bottling of such
8 alcoholic liquors before resale thereof, but all bottles or
9 containers so filled shall be sealed, labeled, stamped and
10 otherwise made to comply with all provisions, rules and
11 regulations governing manufacturers in the preparation and
12 bottling of alcoholic liquors. The importing distributor's
13 license shall permit such licensee to purchase alcoholic
14 liquor from Illinois licensed non-resident dealers and
15 foreign importers only.

16 An importing distributor may be issued a supplemental
17 storage permit upon the filing of a supplemental application
18 with the State Commission. The State Commission shall, upon
19 the payment of a fee of \$150, immediately issue such
20 supplemental storage permit, which shall allow the storage of
21 alcoholic beverages at a location other than the importing
22 distributor's licensed premises, provided sales of alcoholic
23 beverages are not made from such supplemental storage
24 location and such supplemental storage location is not
25 subject to the provisions of Article VIIA of this Act. An
26 importing distributor's supplemental storage permit shall be
27 displayed with the importing distributor's license at the
28 licensed premises. An importing distributor's license shall
29 allow for the issuance of one importing distributor's
30 supplemental storage permit.

31 (d) A retailer's license shall allow the licensee to
32 sell and offer for sale at retail, only in the premises
33 specified in such license, alcoholic liquor for use or
34 consumption, but not for resale in any form: Provided that

1 any retail license issued to a manufacturer shall only permit
2 such manufacturer to sell beer at retail on the premises
3 actually occupied by such manufacturer.

4 After January 1, 1995 there shall be 2 classes of
5 licenses issued under a retailers license.

6 (1) A "retailers on premise consumption license"
7 shall allow the licensee to sell and offer for sale at
8 retail, only on the premises specified in the license,
9 alcoholic liquor for use or consumption on the premises
10 or on and off the premises, but not for resale in any
11 form.

12 (2) An "off premise sale license" shall allow the
13 licensee to sell, or offer for sale at retail, alcoholic
14 liquor intended only for off premise consumption and not
15 for resale in any form.

16 Notwithstanding any other provision of this subsection
17 (d), a retail licensee may sell alcoholic liquors to a
18 special event retailer licensee for resale to the extent
19 permitted under subsection (e).

20 (e) A special event retailer's license (not-for-profit)
21 shall permit the licensee to purchase alcoholic liquors from
22 an Illinois licensed distributor (unless the licensee
23 purchases less than \$500 of alcoholic liquors for the special
24 event, in which case the licensee may purchase the alcoholic
25 liquors from a licensed retailer) and shall allow the
26 licensee to sell and offer for sale, at retail, alcoholic
27 liquors for use or consumption, but not for resale in any
28 form and only at the location and on the specific dates
29 designated for the special event in the license. An
30 applicant for a special event retailer license must (i)
31 furnish with the application: (A) a resale number issued
32 under Section 2c of the Retailers' Occupation Tax Act or
33 evidence that the applicant is registered under Section 2a of
34 the Retailers' Occupation Tax Act, (B) a current, valid

1 exemption identification number issued under Section 1g of
2 the Retailers' Occupation Tax Act, and a certification to the
3 Commission that the purchase of alcoholic liquors will be a
4 tax-exempt purchase, or (C) a statement that the applicant is
5 not registered under Section 2a of the Retailers' Occupation
6 Tax Act, does not hold a resale number under Section 2c of
7 the Retailers' Occupation Tax Act, and does not hold an
8 exemption number under Section 1g of the Retailers'
9 Occupation Tax Act, in which event the Commission shall set
10 forth on the special event retailer's license a statement to
11 that effect; (ii) submit with the application proof
12 satisfactory to the State Commission that the applicant will
13 provide dram shop liability insurance in the maximum limits;
14 and (iii) show proof satisfactory to the State Commission
15 that the applicant has obtained local authority approval.

16 (f) A railroad license shall permit the licensee to
17 import alcoholic liquors into this State from any point in
18 the United States outside this State and to store such
19 alcoholic liquors in this State; to make wholesale purchases
20 of alcoholic liquors directly from manufacturers, foreign
21 importers, distributors and importing distributors from
22 within or outside this State; and to store such alcoholic
23 liquors in this State; provided that the above powers may be
24 exercised only in connection with the importation, purchase
25 or storage of alcoholic liquors to be sold or dispensed on a
26 club, buffet, lounge or dining car operated on an electric,
27 gas or steam railway in this State; and provided further,
28 that railroad licensees exercising the above powers shall be
29 subject to all provisions of Article VIII of this Act as
30 applied to importing distributors. A railroad license shall
31 also permit the licensee to sell or dispense alcoholic
32 liquors on any club, buffet, lounge or dining car operated on
33 an electric, gas or steam railway regularly operated by a
34 common carrier in this State, but shall not permit the sale

1 for resale of any alcoholic liquors to any licensee within
2 this State. A license shall be obtained for each car in
3 which such sales are made.

4 (g) A boat license shall allow the sale of alcoholic
5 liquor in individual drinks, on any passenger boat regularly
6 operated as a common carrier on navigable waters in this
7 State or on any riverboat operated under the Riverboat
8 Gambling Act, which boat or riverboat maintains a public
9 dining room or restaurant thereon.

10 (h) A non-beverage user's license shall allow the
11 licensee to purchase alcoholic liquor from a licensed
12 manufacturer or importing distributor, without the imposition
13 of any tax upon the business of such licensed manufacturer or
14 importing distributor as to such alcoholic liquor to be used
15 by such licensee solely for the non-beverage purposes set
16 forth in subsection (a) of Section 8-1 of this Act, and such
17 licenses shall be divided and classified and shall permit the
18 purchase, possession and use of limited and stated quantities
19 of alcoholic liquor as follows:

- 20 Class 1, not to exceed 500 gallons
- 21 Class 2, not to exceed 1,000 gallons
- 22 Class 3, not to exceed 5,000 gallons
- 23 Class 4, not to exceed 10,000 gallons
- 24 Class 5, not to exceed 50,000 gallons

25 (i) A wine-maker's premises license shall allow a
26 licensee that concurrently holds a first-class wine-maker's
27 license to sell and offer for sale at retail in the premises
28 specified in such license not more than 50,000 gallons of the
29 first-class wine-maker's wine that is made at the first-class
30 wine-maker's licensed premises per year for use or
31 consumption, but not for resale in any form. A wine-maker's
32 premises license shall allow a licensee who concurrently
33 holds a second-class wine-maker's license to sell and offer
34 for sale at retail in the premises specified in such license

1 up to 100,000 gallons of the second-class wine-maker's wine
2 that is made at the second-class wine-maker's licensed
3 premises per year for use or consumption but not for resale
4 in any form. Upon approval from the State Commission, a
5 wine-maker's premises license shall allow the licensee to
6 sell and offer for sale at (i) the wine-maker's licensed
7 premises and (ii) at up to 2 additional locations for use and
8 consumption and not for resale. Each location shall require
9 additional licensing per location as specified in Section 5-3
10 of this Act.

11 (j) An airplane license shall permit the licensee to
12 import alcoholic liquors into this State from any point in
13 the United States outside this State and to store such
14 alcoholic liquors in this State; to make wholesale purchases
15 of alcoholic liquors directly from manufacturers, foreign
16 importers, distributors and importing distributors from
17 within or outside this State; and to store such alcoholic
18 liquors in this State; provided that the above powers may be
19 exercised only in connection with the importation, purchase
20 or storage of alcoholic liquors to be sold or dispensed on an
21 airplane; and provided further, that airplane licensees
22 exercising the above powers shall be subject to all
23 provisions of Article VIII of this Act as applied to
24 importing distributors. An airplane licensee shall also
25 permit the sale or dispensing of alcoholic liquors on any
26 passenger airplane regularly operated by a common carrier in
27 this State, but shall not permit the sale for resale of any
28 alcoholic liquors to any licensee within this State. A
29 single airplane license shall be required of an airline
30 company if liquor service is provided on board aircraft in
31 this State. The annual fee for such license shall be as
32 determined in Section 5-3.

33 (k) A foreign importer's license shall permit such
34 licensee to purchase alcoholic liquor from Illinois licensed

1 non-resident dealers only, and to import alcoholic liquor
2 other than in bulk from any point outside the United States
3 and to sell such alcoholic liquor to Illinois licensed
4 importing distributors and to no one else in Illinois;
5 provided that the foreign importer registers with the State
6 Commission every brand of alcoholic liquor that it proposes
7 to sell to Illinois licensees during the license period and
8 provided further that the foreign importer complies with all
9 of the provisions of Section 6-9 of this Act with respect to
10 registration of such Illinois licensees as may be granted the
11 right to sell such brands at wholesale.

12 (1) (i) A broker's license shall be required of all
13 persons who solicit orders for, offer to sell or offer to
14 supply alcoholic liquor to retailers in the State of
15 Illinois, or who offer to retailers to ship or cause to be
16 shipped or to make contact with distillers, rectifiers,
17 brewers or manufacturers or any other party within or without
18 the State of Illinois in order that alcoholic liquors be
19 shipped to a distributor, importing distributor or foreign
20 importer, whether such solicitation or offer is consummated
21 within or without the State of Illinois.

22 No holder of a retailer's license issued by the Illinois
23 Liquor Control Commission shall purchase or receive any
24 alcoholic liquor, the order for which was solicited or
25 offered for sale to such retailer by a broker unless the
26 broker is the holder of a valid broker's license.

27 The broker shall, upon the acceptance by a retailer of
28 the broker's solicitation of an order or offer to sell or
29 supply or deliver or have delivered alcoholic liquors,
30 promptly forward to the Illinois Liquor Control Commission a
31 notification of said transaction in such form as the
32 Commission may by regulations prescribe.

33 (ii) A broker's license shall be required of a person
34 within this State, other than a retail licensee, who, for a

1 fee or commission, promotes, solicits, or accepts orders for
2 alcoholic liquor, for use or consumption and not for resale,
3 to be shipped from this State and delivered to residents
4 outside of this State by an express company, common carrier,
5 or contract carrier. This Section does not apply to any
6 person who promotes, solicits, or accepts orders for wine as
7 specifically authorized in Section 6-29 of this Act.

8 A broker's license under this subsection (1) shall not
9 entitle the holder to buy or sell any alcoholic liquors for
10 his own account or to take or deliver title to such alcoholic
11 liquors.

12 This subsection (1) shall not apply to distributors,
13 employees of distributors, or employees of a manufacturer who
14 has registered the trademark, brand or name of the alcoholic
15 liquor pursuant to Section 6-9 of this Act, and who regularly
16 sells such alcoholic liquor in the State of Illinois only to
17 its registrants thereunder.

18 Any agent, representative, or person subject to
19 registration pursuant to subsection (a-1) of this Section
20 shall not be eligible to receive a broker's license.

21 (m) A non-resident dealer's license shall permit such
22 licensee to ship into and warehouse alcoholic liquor into
23 this State from any point outside of this State, and to sell
24 such alcoholic liquor to Illinois licensed foreign importers
25 and importing distributors and to no one else in this State;
26 provided that said non-resident dealer shall register with
27 the Illinois Liquor Control Commission each and every brand
28 of alcoholic liquor which it proposes to sell to Illinois
29 licensees during the license period; and further provided
30 that it shall comply with all of the provisions of Section
31 6-9 hereof with respect to registration of such Illinois
32 licensees as may be granted the right to sell such brands at
33 wholesale.

34 (n) A brew pub license shall allow the licensee to

1 manufacture beer only on the premises specified in the
2 license, to make sales of the beer manufactured on the
3 premises to importing distributors, distributors, and to
4 non-licensees for use and consumption, to store the beer upon
5 the premises, and to sell and offer for sale at retail from
6 the licensed premises, provided that a brew pub licensee
7 shall not sell for off-premises consumption more than 50,000
8 gallons per year.

9 (o) A caterer retailer license shall allow the holder to
10 serve alcoholic liquors as an incidental part of a food
11 service that serves prepared meals which excludes the serving
12 of snacks as the primary meal, either on or off-site whether
13 licensed or unlicensed.

14 (p) An auction liquor license shall allow the licensee
15 to sell and offer for sale at auction wine and spirits for
16 use or consumption, or for resale by an Illinois liquor
17 licensee in accordance with provisions of this Act. An
18 auction liquor license will be issued to a person and it will
19 permit the auction liquor licensee to hold the auction
20 anywhere in the State. An auction liquor license must be
21 obtained for each auction at least 14 days in advance of the
22 auction date.

23 (q) A special use permit license shall allow an Illinois
24 licensed retailer to transfer a portion of its alcoholic
25 liquor inventory from its retail licensed premises to the
26 premises specified in the license hereby created, and to sell
27 or offer for sale at retail, only in the premises specified
28 in the license hereby created, the transferred alcoholic
29 liquor for use or consumption, but not for resale in any
30 form. A special use permit license may be granted for the
31 following time periods: one day or less; 2 or more days to a
32 maximum of 15 days per location in any 12 month period. An
33 applicant for the special use permit license must also submit
34 with the application proof satisfactory to the State

1 Commission that the applicant will provide dram shop
2 liability insurance to the maximum limits and have local
3 authority approval.

4 (Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02;
5 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff.
6 7-16-02.)"; and

7 on page 2, below line 8, by inserting the following:

8 "(235 ILCS 5/5-3) (from Ch. 43, par. 118)

9 Sec. 5-3. License and permit fees. Except as otherwise
10 provided herein, at the time application is made to the State
11 Commission for a license or permit of any class, the
12 applicant shall pay to the State Commission the fee
13 hereinafter provided for the kind of license or permit
14 applied for.

15 The fee for licenses and permits issued by the State
16 Commission shall be as follows:

17 For a manufacturer's license:

18	Class 1. Distiller	\$3,600
19	Class 2. Rectifier	3,600
20	Class 3. Brewer	900
21	Class 4. First-class Wine Manufacturer	600
22	Class 5. Second-class	
23	Wine Manufacturer	1,200
24	Class 6. First-class wine-maker	600
25	Class 7. Second-class wine-maker	1200
26	Class 8. Limited Wine Manufacturer.....	120
27	For a Brew Pub License	1,050
28	For a caterer retailer's license.....	200
29	For a foreign importer's license	25
30	For an importing distributor's license	25
31	<u>For an importing distributor's</u>	
32	<u>supplemental storage permit.....</u>	<u>150</u>
33	For a distributor's license	270

1	For a non-resident dealer's license	
2	(500,000 gallons or over)	270
3	For a non-resident dealer's license	
4	(under 500,000 gallons)	90
5	For a wine-maker's premises license	100
6	For a wine-maker's premises license,	
7	second location	350
8	For a wine-maker's premises license,	
9	third location	350
10	For a retailer's license	175
11	For a special event retailer's license,	
12	(not-for-profit)	25
13	For a special use permit license,	
14	one day only	50
15	2 days or more	100
16	For a railroad license	60
17	For a boat license	180
18	For an airplane license, times the	
19	licensee's maximum number of aircraft	
20	in flight, serving liquor over the	
21	State at any given time, which either	
22	originate, terminate, or make	
23	an intermediate stop in the State	60
24	For a non-beverage user's license:	
25	Class 1	24
26	Class 2	60
27	Class 3	120
28	Class 4	240
29	Class 5	600
30	For a broker's license	600
31	For an auction liquor license	50
32	Fees collected under this Section shall be paid into the	
33	Dram Shop Fund. Beginning June 30, 1990 and on June 30 of	
34	each subsequent year, any balance over \$5,000,000 remaining	

1 in the Dram Shop Fund shall be credited to State liquor
2 licensees and applied against their fees for State liquor
3 licenses and permits for the following year. The amount
4 credited to each licensee shall be a proportion of the
5 balance in the Dram Fund that is the same as the proportion
6 of the license and permit fees fee paid by the licensee under
7 this Section for the period in which the balance was
8 accumulated to the aggregate fees paid by all licensees
9 during that period.

10 No fee shall be paid for licenses issued by the State
11 Commission to the following non-beverage users:

12 (a) Hospitals, sanitariums, or clinics when their
13 use of alcoholic liquor is exclusively medicinal,
14 mechanical or scientific.

15 (b) Universities, colleges of learning or schools
16 when their use of alcoholic liquor is exclusively
17 medicinal, mechanical or scientific.

18 (c) Laboratories when their use is exclusively for
19 the purpose of scientific research.

20 (Source: P.A. 91-25, eff. 6-9-99; 91-357, eff. 7-29-99;
21 92-378, eff. 8-16-01.)"; and

22 on page 16, below line 24, by inserting the following:

23 "Section 99. Effective date. This Act takes effect upon
24 becoming law."